

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA
CLERK OF STATE COURT

WILBERT JACKSON)
)
Plaintiff,)
)
v.) CIVIL ACTION FILE
) NO. 20-C-03439-S6
BIG LOTS STORES, INC)
and JOHN DOE,)
)
Defendant.)

COMPLAINT

COMES NOW Plaintiff WILBERT JACKSON, through counsel, and shows the Court the following:

1.

Defendant Big Lots Stores, Inc. is a Foreign Profit Corporation who may be served via their registered agent the Corporation Service Company located at 40 Technology Parkway South, Suite 300, Norcross, GA 30092. Defendant is subject to the jurisdiction of this Court.

2.

Defendant John Doe is an unnamed person or entity to be properly identified and served at a later date.

3.

At all times referred to herein, Defendant John Doe was the employee and agent of Defendant Big Lots Stores, Inc. and was acting within the scope of their employment as Manager or Supervisor at the Store.

4.

Defendant John Doe is a resident who committed a tortious act within this State. As a result, this Court has subject matter jurisdiction over the claims asserted herein and personal jurisdiction over the Defendant pursuant to O.C.G.A. § 9-10-91 et seq.

5.

This Court has jurisdiction to hear this case and venue is proper in Gwinnett County.

6.

On July 29, 2018, Plaintiff was an invitee on Defendants' premises store located on 2738 Candler Road in Decatur, Georgia.

7.

Plaintiff was walking down an aisle and the base of an umbrella fell off a shelf and onto the Plaintiff's foot, causing injuries.

8.

As a result of Defendants' collective failure to exercise ordinary care in keeping the premises and approaches safe, Plaintiff sustained injuries to his foot which resulted in other injuries to his hip, shoulder, and elbow.

9.

Plaintiff required medical treatment for the injuries that he sustained in the incident. To date, the Plaintiff has incurred over \$19,000.00 in medical expenses for treatment of his injuries.

10.

Plaintiff's injuries were painful and affected his activities of daily living.

11.

Defendant Big Lots Stores, Inc. had a duty to exercise ordinary care in keeping the store

area safe and free from harmful areas.

12.

Defendant Big Lots Stores, Inc. breached its duty to properly maintain a safe walking area within the store.

13.

Defendant John Doe, as Manager or Supervisor of the Big Lots Store in question had a duty to exercise ordinary care in keeping the store area safe and free from harmful conditions.

14.

Defendant John Doe, breached his/her duty to properly maintain a safe walking area within the store.

15.

Plaintiff's injuries, medical expenses, lost wages, and pain and suffering were directly and proximately caused by the Defendant Big Lots Stores, Inc.'s negligence.

16.

Plaintiff's injuries, medical expenses, lost wages, and pain and suffering were directly and proximately caused by the Defendant Big Lots Stores, Inc.'s negligence.

17.

Defendant Big Lots Stores, Inc. is liable to the Plaintiff for the injuries, medical expenses and pain and suffering that he sustained as a result of their negligence.

WHEREFORE, having stated his Complaint, the Plaintiff prays as follows:

- a. that process issue and the Defendants be served as provided by law;
- b. that Plaintiff recover from the Defendants for his medical expenses, lost wages, and be awarded general damages to compensate him for pain and suffering;
- c. that Plaintiff recover his expenses of litigation, including reasonable attorney fees;
- d. that Plaintiff have trial by jury; and
- e. that Plaintiff have such other and further relief as the Court may deem just.

Respectfully submitted,

/s/ Titus T. Nichols
Titus T. Nichols
Georgia State Bar No. 870662

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